

March 25, 2020

BY FEDEX

Moshe Peltz
265 Sunrise Highway, Suite 50
Rockville Center, NY 11570

Re: Marc Tetro v Treboux Case No.: 19-cv-02691 (PKC)

Dear M. Peltz:

I have repeatedly said that, I do not want service by email or electronic means. I have not received any mail from you or your office. You claim to have sent paper copies. I have not received them. I asked several times for a street address where, “someone” will be there to sign for paperwork. You have not responded.

Additionally, your emails now don’t have contact information. I remind you again that California is under a shelter-in-place Order. I don’t have access to a laptop and BPD is enforcing this Order. I am again telling you that I will not respond to ongoing demand emails. I can not open your attachments and when I ask that you mail your communication, I don’t get a response.

I have reviewed your responses to Defendant’s Demand for the Production of Documents dated January 20, 2020 and have found significant deficiencies:

REQUEST NO. 1: Names, addresses and phone numbers of all witnesses to the above action.

Defendant's 2nd Demand for Production

Page 2

Response: Plaintiff objects to this Request because and to the extent that it is not a proper request for production.

REQUEST NO. 2: Names, addresses and phone numbers of all parties to the above action.

Response: Plaintiff objects to this Request because and to the extent that it is not a proper request for production.

REQUEST NO. 3: Request to inspect all original evidence presented in the initial case filing. Copies of all evidence in the initial case filing.

Response: Plaintiff objects to this Request because and to the extent that it is not a proper request for production

REQUEST NO. 4: Request to inspect all photographic evidence to be presented in the above entitle (d?) action. Dates, locations and times for all photographic evidence to be presented.

Response: Plaintiff objects to this Request because and to the extent that it is not a proper request for production.

REQUEST NO. 5: Names, address and phone numbers of all, “investigators” and “officers” referenced in the initial case filing.

Response: Plaintiff objects to this Request because and to the extent that it is not a proper request for production.

Defendants 2nd Demand for Production

Page 3

REQUEST NO. 6: Names, addresses and phone numbers of all employees of “Red Apple Court Services who conducted an alleged, skip trace search as stated in the filing.

Response: Plaintiff objects to this Request because and to the extent that it is not a proper request for production. Moreover, Plaintiff objects to this request because and to the extent the information sought calls for matters which are not relevant to the subject matter.

REQUEST NO. 8: Request to inspect all original photos regarding a comment made by Peltz in a phone call to Lehman, “She has boxes and boxes of inventory. I saw it on March 3, 2019”.

Response: Plaintiff objects to this Request because and to the extent that it is not a proper request for production.

REQUEST NO. 14: A verifiable explanation as to why a Cease and Desist letter signed by Ken Falcon was sent to an unnamed person at the San Francisco Arts Commission in 2017.

Response: Plaintiff objects to this Request because and to the extent that it is not a proper request for production. Plaintiff therefor(e?) declines to respond.

Defendant's 2nd Demand for Production

Page 4

REQUEST NO. 15: A verifiable explanation as to why a Cease and Desist letter signed by Ken Falcon as sent to a Ms. Potter at an unknown address. A verifiable explanation as to why when both letters (#14 and #15) were not resent when both were returned to sender.

Response: Plaintiff objects to this Request because and to the extent that it is not a proper request for production.

REQUEST NO. 16: All verifiable attempts to located (locate?) defendant from 2017-2019.

Response: Plaintiff objects to this Request because an to the extent that it is not a proper request for production.

REQUEST NO. 17: Request all attempts (dates and times) to locate defendant at 420 East 62nd Street New York, NY 10065.

Response: Plaintiff objects to this Request because and to the extent that it is not a proper request for production.

Plaintiff's objections to these requests are not valid to the extent that sought Documents are undoubtedly relevant and reasonably calculated to lead to the Discovery of admissible evidence in the Underlying Action. Therefore, to the extent you intend to rely upon such documents in connection with the claims and defenses

Defendants 2nd Demand for Production
Page 5

advanced in this litigation, Defendant demands that Plaintiff conduct a diligent search for responsive documents in all places where such documents containing communications between Defendant and Tetro would be reasonably kept or stored, and produce.

REQUEST NO. 7: Copy of NYPD incident report filed by Tim Sutton referenced in Plaintiff's lawyer phone call between Peltz and Lehman. CAD number of a 911 call alleged made by Sutton on March 3, 2019 and mentioned in A call between Peltz and Lehman.

Response: Plaintiff will produce a copy of any NYPD incident report to the extent such documents are in Plaintiff's possession, custody or control.

REQUEST NO. 9: Request all written communications between any and all employees of Marc Tetro and all past and present employees of the San Francisco Arts Commission since 2017.

Response: Plaintiff will produce written communications between employees of Plaintiff and the San Francisco Arts Commission since 2017.

REQUEST NO. 10: Request all written communications between any and all employees Marc Tetro and all past and present employees of the San Francisco City Attorney's Office since 2017.

Defendants 2nd Demand for Production

Page 6

Response: Plaintiff objects to this Request because and to the extent that it is duplicative of Request No. 9.

REQUEST NO. 11: Request all written attempts from any and all employees of Marc Tetro to contact defendant since 2017.

Response: Plaintiff will produce copies of written communications by its employees with defendant between 2017 and present.

REQUEST NO. 12: Request copies of all slander posted on the Internet by any and all employees of Marc Tetro against defendant under the false names of: Anntrebouxisalooser; allcitynews and anntrebouxucks.

Response: Plaintiff objects to this Request as they are not relevant to this action.

REQUEST NO. 13: Copy of all written documentation concerning a, “letter written by someone at a law firm of Baker Holstler to defendant in 2013”.

Response: Plaintiff will produce copies of any demand letters written to defendant.

Defendants 2nd Demand for Production

Page 7

Plaintiff's objections to Requests No. 7; NO. 9; No. 11 and No. 13 include responses that claim to turn over responsive documents. None have been turned over. Defendant demands that Plaintiff turn over responsive documents by April 15, 2020. Plaintiff responded to this request on January 20, 2020 and had over more than eight weeks to turn over this information. Additionally, Plaintiff has not responded to Meet and Confer requests.

REQUEST No. 12: Plaintiff's objections are not valid to the extent that sought documents are undoubtedly relevant and reasonable calculated to lead to the discovery of admissible evidence in the Underlying Action. This Internet posts were discussed by phone in a taped Meet and Confer phone call.

REQUEST No. 10: Is not duplicative of Request NO. 9. The San Francisco City Attorney's Office is a different City Department within the CCSF and this information is of great relevance to the pending action. If said documents are in the possession, custody or control of Plaintiff, they are to be produced.

To avoid unnecessary motion practice, Defendant hereby requests that the Plaintiff supplement aforementioned responses to cure the deficiencies noted herein by April 15, 2020. If you have any questions or concerns, please mail a hardcopy letter. Due to the

Defendants 2nd Demand for Production
Page 8

Shelter-in-Place Order we are not permitted to leave except for essential services. I do not have access to Internet or email. This order will remain in place until May 1. BART and MUNI are suspended.

Sincerely,

CERTIFICATE OF SERVICE

I, Steve Hyland certify that I sent this letter by FedEx on March 25, 2020 to:

Moshe Peltz
265 Sunrise Highway, Suite 50
Rockville Center, NY 11570

_____/s/____

Steve Hyland
1390 Bancroft Way
Berkeley, CA 94701
hylandsteve4@gmail.com